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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,004	06/24/2003	Maximilian Bossecker	076326-0255	7719

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EXAMINER

CULBRETH, ERIC D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,004

Applicant(s)

BOSSECKER ET AL.

Examiner

Eric D Culbreth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-31 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-17, 20, 21, 23 and 25-28 is/are rejected.
- 7) ☒ Claim(s) 7, 18, 19, 22 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/4/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1-28 are objected to because of the following informalities: In independent claims 1, 6, 15, 18, 24, and 27-28, there is no antecedent basis for “the lower edge of the airbag” nor “the direction of deployment of the airbag”.

In claims 13-14, “a direction of deployment” should be “the direction...” as before.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 15 and 27-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 is inaccurate in reciting two deflection elements (noting applicant’s remarks, contrary to applicant’s remarks, there is no mention in paragraph [0046] of a second deflection element).

The last three lines of claim 27 are a double inclusion (the dart is the component that the traction device loops around; there is not an additional component).

Similarly, the last three lines of claim 28 are a double inclusion in that there is not an embodiment of the invention where the traction device loops around a component attached to the bag but also loops around a portion of the bag.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5, 8-10, 12-13, 17, 20-21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by German Document 19519297 A1 (cited by applicant).

German '297 discloses airbag 11 in a lateral roof ledge of a motor vehicle and deploying downward. A guide 16 extends longitudinally along a vehicle pillar 2 and is connected to the lower edge of the airbag. The guide moves longitudinally along the pillar in the direction of deployment of the airbag (downward)(claim 1). Traction device 16 as illustrated is a cable or wire (claims 2-3) and guided by deflection element 26 (claim 5). Guide 16 is connected at a first end to the airbag and at a second end to the vehicle body (claims 8 and 10), and the guide is guided by two deflection elements 14, 26 (claim 9). Regarding claims 12-13, subassembly 12, 18 connects the deflection element 14 to the vehicle body, and the deflection elements 14, 26 are spaced in the direction of deployment. The guide 16 is not substantially deflected transversely to the longitudinal direction of the guide inasmuch as applicant's guide (claim 17). The column 2 is vertical (claim 20) and the connection is "unreleasable" in that it is not designed to release during operation as broadly recited (and any connection is "releasable")(claims 21 and 23).

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6. Claims 1, 4, 6, 11, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Heigl et al (US Patent 6,241,277, cited by applicant).

Heigl et al discloses an airbag 10 along the region of a lateral roof edge of a motor vehicle and deploying downwards. A guide 16 extends longitudinally along a vehicle pillar and is connected to the lower edge of the airbag at 10b. the guide is configured to move longitudinally along the pillar in the direction of deployment of the airbag (claim 1).

A runback stop 22 in Figure 3 adjacent deflection element 20 prevents movement of the guide in a direction opposite to the direction of movement of the guide during bag deployment (claims 4 and 6).

Regarding claim 11, each deflection element 18, 20 is connected directly to the vehicle body. An elastic section of traction means 16c (a spring as broadly recited) provides tension between traction elements 18, 20 (claim 15), and as functionally recited in claim 16 guide 16 moves inclined to the main direction of the deployment of the airbag at sections adjacent elastic 16c so that the air bag lower edge is tautened during deployment.

7. Claims 25-26 and 28 as best understood is rejected under 35 U.S.C. 102(b) as being anticipated by Bocker et al (US Patent 5,975,566, of record).

Bocker et al discloses guide 9 attached at 7 to the lower edge of an airbag and extending and moving along a vehicle pillar in the same direction the bag deploys (claim 1). Regarding claim 25, the flexible cable 9 is secured to eyelug 7 (column 2, lines 44-45), which would be a component attached to the airbag that the cable loops around (that is how a cable or string is attached to an eye lug). Eye lug 7 is an orifice on the airbag configured to connect the airbag to

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the guide (claim 26). Regarding claim 28, as indefinitely recited, as no embodiment of applicant's invention has both a portion of the bag and a component attached to the bag that the flexible traction device loops around, the positive limitations of the claim appear to be met by Bocker et al.

Allowable Subject Matter

8. Claims 29-31 are allowed.
9. Claim 27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
10. Claims 7, 19 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
11. Claims 18 and 24 are allowed but for the minor informalities cited above.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric D Culbreth
Primary Examiner
Art Unit 3616



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